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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/776,539	02/09/2004	Nui Wang	POF 3.9-057 CONT	3237
530	7590	06/08/2005	EXAMINER	
LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK 600 SOUTH AVENUE WEST WESTFIELD, NJ 07090			BUTLER, DOUGLAS C	
		ART UNIT		PAPER NUMBER
				3683

DATE MAILED: 06/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/776,539	WANG, NUI	
	Examiner	Art Unit	
	Douglas C. Butler	3683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 15 March 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-6,8/2,8/3,8/4,8/5,8/6 is/are rejected.
- 7) Claim(s) 7,8/7,9-13 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

1. Claim 1, the last paragraph, line 3 "break" should be changed to --brake--.
2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-6, 8/2, 8/3, 8/4, 8/5, 8/6 are rejected under 35 U.S.C. 102(b) as being anticipated by Wakabayashi et al (523) assigned to Honda.

Note Fig. 2 with brake calipers 11, 12 with hydraulic service brake actuators connected to hydraulic pipes 16, 18 and with electric brake actuators 21, 23 (see column 4, lines 39-45) wherein the operators are independently operable with the term "parking" being readable structurally on the electric parking actuators 21, 23 of Wakabayashi et al. See the entire disclosure of Wakabayashi et al. Note that applicant's arguments set forth in the response filed March 15, 2005 have been considered convincing with respect to previously applied prior art but would not be found convincing with respect to the newly applied Wakabayashi et al reference in that the hydraulic and electric actuators on the one side of the rotor and corresponding pad associated therewith are independently operable. In Figs. 1-2 of Wakabayashi et al, see column 3, lines 50-66 re the calipers 11b, 12b, rotors 11a,11b which inherently include friction pads on each side of the rotors 11a, 11b cooperating with the calipers.

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4. Note Hayashi (954), Sato et al (629), Hayashi (322) which may be of benefit to applicant re the Honda type calipers which are shown in detail with the caliper, piston and pads.

5. Claims 7, 8/7, 9-13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. Claim 14 has been canceled.

7. Note WO 03/023246 A1 to Nowak, WO 03/067113 A1 to Ott, Parsons, Prinzler (965), Nowak et al (049), Fig. 10-11 of Taig (650), Ward (714), Mohr et al (608) and Fig. 2 of U.S.P.N. 3,422,933, and Fig. 2 of U.S.P.N. 3,318,421.

8. Applicant's arguments re the rejected claims are moot in view of the newly discovered reference.

9. Any inquiry concerning this communication should be directed to Exmr Butler at telephone number 571-272-7115.


DOUGLAS C. BUTLER
PRIMARY EXAMINER
 6-7-05

Butler/vs
June 6, 2005